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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:
PG&E CORPORATION,
- and -
PACIFIC GAS AND ELECTRIC COMPANY,
Debtors.

- ☐ Affects PG&E Corporation
☒ Affects Pacific Gas and Electric Company
☐ Affects both Debtors

** All papers shall be filed in the Lead Case,
No. 19-30088 (DM).*

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Bankruptcy Case
No. 19-30088 (DM)

Chapter 11

(Lead Case)

(Jointly Administered)

**NOTICE OF PRELIMINARY
OPPOSITION TO THE GELMANS'
MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AND
ABSTENTION PURSUANT TO 28
U.S.C. § 1334(c)(1)**

[Relates to Dkt. 1201]

Date: May 9, 2019

Time: 9:30 a.m.

Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 Pacific Gas and Electric Company (the “**Utility**,” “**PG&E**,” or the “**Debtor**”), as debtor
2 and debtor in possession in the above-captioned Chapter 11 Cases (the “**Chapter 11 Cases**”),
3 respectfully submits this notice of opposition to Marina and Mikhail Gelmans’ Motion for Relief
4 from the Automatic Stay and Abstention Pursuant to 28 U.S.C. § 1334(c)(1) (the “**Motion**”). *See*
5 Dkt. No. 1310.¹

6 The Motion alleges that on January 26, 2016, Marina Gelman “tripped on [a] [Utility]
7 vault . . . because of a hole in the sidewalk,” and “[t]he fall shattered Marina’s right forearm and
8 caused her other injuries.” Motion at 2–3. As a result, Marina claims to have “developed carpal
9 tunnel syndrome and complex regional pain syndrome in her right upper extremity.” *See id.* at 3.
10 Moreover, “[b]ecause of Marina’s [alleged] significant injuries, her husband [Mikhail] has
11 [brought] a substantial claim for loss of consortium.” *See id.* at 4.

12 The Gelmans brought their claims in a single lawsuit filed on January 31, 2017 (the
13 “**Gelman Action**”), naming the Debtor, the City and County of San Francisco, and Blue Plantain,
14 LLC as defendants. *See ibid.* However, as of the January 29, 2019 (the “**Petition Date**”), all
15 claims against the Debtor have been stayed. *See* 11 U.S.C. § 362(a). The Gelmans now move for
16 an order lifting the automatic stay so that they can litigate their claims against the Debtor in San
17 Francisco County Superior Court.² *See id.* at 4–9.

18 Under this Court’s Local Rules, the Debtor is not required to oppose the Gelmans’ Motion
19 prior to the May 9 preliminary hearing. *See* N.D. Cal Bankruptcy Local Rule 9014-1 (noting that
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22 ¹ The Gelmans initially filed their original motion on April 3, 2019, noticing a hearing date of April 24,
23 2019. Subsequently, on April 10, 2019, the Gelmans filed an Amended Notice of Motion, noticing the
24 hearing date for May 9, 2019 and incorrectly indicating an objection deadline of April 24, 2019. Other
than the new hearing date and the noticed objection deadline, there does not appear to be any differences
between the active Motion and the original motion filed by the Gelmans.

25 ² Although the Motion claims to seek permissive abstention, the Gelmans’ ultimate desire to litigate hinges
26 upon an order from this Court lifting the automatic stay. *See In re Conejo Enterprises, Inc.*, 96 F.3d 346, 352
27 (9th Cir. 1996) (holding that “a finding that mandatory abstention applies to [a] state [court] action does not
28 preclude denial of relief from § 362’s automatic stay”). Moreover, if “the Court finds that [no] cause exists
to lift the automatic stay, the Court will not [need to] address [the Gelmans’] arguments for permissive
abstention” pursuant to 28 U.S.C. § 1334(c)(1). *See In re Farmland Indus., Inc.*, 309 B.R. 14, 18 n.3 (Bankr.
W.D. Mo. 2004).

1 the local rule calling for the filing of oppositions 14 days prior to the hearing date “does not apply
2 to [*inter alia*] motions for relief from the automatic stay”).³ Nonetheless, the Debtor hereby
3 provides notice that it does intend to file a preliminary opposition to the Gelmans’ Motion prior to
4 the May 9 preliminary hearing, and requests that the Court not tentatively (or otherwise) grant the
5 Gelmans’ Motion in the interim. *See* N.D. Cal Bankruptcy Local Rule 4001-1(f) (“A respondent
6 will not be required to, but may, file responsive pleadings, points and authorities, and declarations
7 for any preliminary hearing.”).

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9 **WEIL, GOTSHAL & MANGES LLP**

10 **KELLER & BENVNUTTI LLP**

11 By: /s/ Peter J. Benvenuti
12 Peter J. Benvenuti

13 *Attorneys for Debtors*
14 *and Debtors in Possession*

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27 ³ Even if the 14-day deadline imposed pursuant to Local Rule 9014-1 did apply (which it does not), the
28 Debtor’s notice of opposition would not be due until today, April 25, 2019, or 14 days prior to the date of
the preliminary hearing.